



TOWN OF UXBRIDGE
CONSERVATION COMMISSION
21 SOUTH MAIN STREET
UXBRIDGE, MASSACHUSETTS 01569
508-278-8600, ext 2019

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MEETING MINUTES
Monday, June 21, 2010

Please note some items may have been taken out of agenda order.

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, June 21, 2010, at 7:00 P.M. in the Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main St., Uxbridge, MA:

Conservation Commission Board Members Present: Vice Chair Russell Holden, Harold Klei Dave Lewcon and Larry Lench

Conservation Commission Board Members Absent: Chair Al Jones

Others present: Donna C. Hardy, Conservation Commission Administrator

OLD BUSINESS:

Public Hearings – none

Violations/Potential Violations

Rivulet Pond Mill, 44 Rivulet Street (Map 18D, Parcel 29) – Anonymous request came into the Conservation Commission office stating that the owner(s) at the mill are draining the pond. When there is rain in the forecast, the draining of the pond could result in a problem for the habitats. Mr. Holden did a site visit the afternoon of May 3, 2010. Mr. Phillip Michaelson with Foam Concepts Incorporated was present and spoke on behalf of the concern. Mr. Michaelson informed the Commission that he has owned the property for over 10 years. The previous company CMS Software Inc. instructed the new owners Foam Concepts Incorporated how to properly lower the mill retention pond to maintain the level of water to prevent any flooding for nearby streets in the neighborhood. Mr. Michaelson reviewed the information online indicating that it's ok by the state to allow the mill retention pond to be lowered and the level of water maintained. Following discussion, the Commission determined that no further action will be taken at this time, as there appears to be no violation. Additional information concerning this issue can be found at www.mass.gov/dep/water/laws/swmpolv2.pdf. Following discussion, the Commission recommends a letter be sent to the resident that reported the violation stating that this concern is not a violation and the owners of the mill are handling the responsibility to maintain the pond and the levels to prevent any floods, per the state laws (Stormwater Management Guide under Structural Best Management Practices).

102 Homeward Avenue (Map 18A, Parcel 791) – Violation received on May 4th from a previous tenant at residence stating that the landlord Mr. Cesar Calderon is filling in the wetlands on the property (filling material is concrete, tar and other materials). The Commission held a site visit on Saturday, May 22nd. Mr. Calderon, the owner of the property was present at the meeting. Ms. Donna Nicholson a tenant at 102 Homeward Avenue was also present and spoke on behalf of Mr. Calderon. Mr. Lewcon with the authority of Ms. Nicholson went to the site on June 17th and took pictures of the property. There is an extensive amount of ribbon grass on the property that is relatively new growth. Mr. Calderon informed the Commission that any yard waste type material at the site is brought to McIntyre Loam in Douglas, MA to be composted. The Commission agreed that a Cease & Desist order needs to be issued. Mr. Calderon also informed the Commission that the members may come on the property at anytime. Following discussion, **MOTION** by Mr. Klei to issue a Cease & Desist Order for filling activities at 102 Homeward Avenue and to have a removal plan set up with future site visits. Seconded by Mr. Lewcon, the motion carried unanimously. The Commission requests Ms. Hardy to contact Mr. Calderon or Ms. Nicholson for follow-up of the removal plan.

35 Brandy Lane (Map 7, Parcel 4819) – The Commission received an anonymous letter on May 24th, indicating a possible violation occurring at the property. Mr. Klei will be doing a site visit at the property. The Commission shall continue discussions at their next scheduled meeting.

MOTION by Mr. Holden to move Discussion w/ Finance Director concerning \$ transfer from Wetlands Protection Fund out of order. Seconded by Mr. Klei, the motion carried unanimously.

OTHER ITEMS:

Discussion w/ Finance Director concerning \$ transfer from Wetlands Protection Fund -

The Commission received a memo from Mr. David Genereux, Finance Director on May 3rd advising the request for \$10,000 to be transferred from the Wetlands Protection Fund to the General Fund in order to support the FY 2011 municipal budget. The Commission is concerned that the amount requested far exceeds the monies that are received into the account. Mr. Genereux understands the Commission's concerns and certainly does not want to deplete the account. The Commission inquired what the % is that would be needed for the part-time Conservation Commission Administrator and based on the financials what would the contribution be for the future. The Commission feels if the revenue is going down, then the contribution should be lower and that the absolute minimum should be established. Mr. Genereux informed the Commission that currently the municipal budget is at the minimum for each department. The Commission inquired if the Wetlands Protection Fund acquires any interest or if it's legally possible for this account to get interest. Mr. Genereux will research this request. Mr. Genereux also informed the Commission he will be back in front of the Commission possibly in October 2010 to discuss FY 2012 budget.

Violations/Potential Violations

26 Brookside Drive (Map 18C, Parcel 2549) – Standing water at residence, as a result of possible beaver activity behind resident's house. Mr. Klei did a site visit on May 24th. Residence is on city water. Mr. Klei did not see a beaver dam; however the cause for the standing water is probably beaver activity. Mr. Holden did a site visit on June 7th and noticed that the water level has gone down considerably. The Commission suggested that the property owner for the last beaver mitigation project (beaver device installed) on Hazel Street be contacted to inquire how the project is going. The Commission will continue discussions at their next scheduled meeting.

MOTION by Mr. Holden to move RDA FY10-08 – Barrows, 217 Douglas Street out of order. Seconded by Mr. Klei, the motion carried unanimously.

RDA FY10-08 – Barrows, 217 Douglas Street (Map 18, Parcel 4275) – Install underground electrical service from pole #43 at southwesterly property area & Douglas Street to an existing garage at the northwest corner of property. Mr. Barrows was present at the meeting and discussed the project. PVC conduit and underground cable to be installed at site and will be owned by Mr. Barrows. The Commission inquired if a backhoe or trencher is to be used on the site. Mr. Lench is an abutter to the property and recused himself from discussion. Following discussion, **MOTION** by Mr. Klei to issue a Negative Determination of Applicability for RDA FY10-08 – Barrows, 217 Douglas Street with three (3) Special Conditions: 1) Trench as practicality towards middle of driveway. 2) Placement of spoils not to be used for driveway and placed 100' away from wetlands. 3) All open areas where digging is occurring must be covered and secured every night. Seconded by Mr. Lewcon, the motion carried 3-0-0 (Mr. Lench recused himself).

OTHER ITEMS:

Ledgemere Country IV & Ledgemere Country V – Ms. Hardy received an email from Earl Washington, Real Estate Representative with National Grid on June 10th concerning stock pile material on the New England Power Company – Millbury to Lincoln Transmission Line found on the Ledgemere Country subdivision property. Mr. Washington spoke w/ Real Estate Attorney Paul Beatty for Fafard Real Estate who is under the impression that Fafard has the right to stock pile material on this transmission line. Mr. Washington disagreed and told him that there should be 23' of clearance between

the ground and the overhead wires according to the Department of Public Utilities 220 CMR for voltages of 115 kilovolt. Mr. Washington has copies of the easement deeds for this location (Q-143S, 115 kilovolt, structures 143 & 144). These documents do not state specifically that there should not be any grade changes on this Right of Way which is approximately 250' in width, but does state the following: New England Power Construction Co. has the perpetual right and easement from time to time without further payment therefore to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip, and to pass along said strip to and from the adjoining lands and to pass over the Grantors land to and from said strip as reasonable required. These rights were granted to the Connecticut River Transmission Co. June 10, 1930. Mr. Washington discussed the matter with Attorney Beatty in regards to the piles of soil left under the power lines that vegetation has grown up from the piles of soil closer to the overhead lines. This growth may have (in Mr. Washington's opinion) put National Grid Company and Fafard Real Estate in violation of 220 CMR: for the Department of Public Utilities which states that there should be 23' of clearance for a 115 kilovolt transmission line between the overhead lines and the ground. To confirm this clearance, Mr. Washington will re-visit this location and measure the clearances. Mr. Washington will then contact Attorney Beatty again to discuss what steps must be taken to assure compliance with the DPU, OSHA Standard 29 CFR 1926.550 Subpart N, and National Grid Conditions for Proposed Activities within Transmission Line Right of Ways.

DEP #312-861, Extension Permit for Order of Conditions – Odisef Tsimogiannis, 51 Rivulet Street (Map 12C, Parcel 3494/3465) – Construction of a paved driveway for a single family house. The Commission has received the plans. The Commission will review the plans and provide any comments at the next meeting. Upon review of the plans, if there are no comments or any issues, the Extension Permit for Order of Conditions for DEP #312-861 will be signed at the next meeting.

NEW BUSINESS

Violations/Potential Violations - none

OTHER ITEMS:

Welcome new member – Lawrence Lench – The Commission welcomed their newest member to the Conservation Commission.

Peaceful Pond mowing – Following discussion, the Commission agreed that the area at Peaceful Pond should be left alone to allow growth and vegetation, however to leave a perimeter around the pond for mowing.

Minutes. MOTION by Mr. Klei for the June 7, 2010 Meeting Minutes, as amended and make changes with three (3) amendments including, **Angel of Hope/Peaceful Pond, off Quaker Hwy** the information noting "Mr. Pomeroy informed the Commission that National Grid provided a grant for the Angel of Hope project; however the grant expires August 16, 2008." to be updated to "Mr. Pomeroy informed the Commission that Ocean State Power provided a grant for the Angel of Hope project; however the grant expires August 16, 2010."; **Ledgemere Country IV & Ledgemere Country V** the information noting "The Commission received the Notice of Intent application packet from the applicant and will continue discussions at the July 6, 2010 meeting." to be updated to "The Commission received the Notice of Intent application packet from the applicant for Lot 15B Crownshield Ave, Ledgemere Country IV and will continue discussions at the July 6, 2010 meeting."; **Pout Pond** the information noting "Mr. Lewcon will be donating sandpaper and supplies to the Uxbridge High School students for the assembling of the picnic tables used at Pout Pond." to be updated to "Mr. Lewcon resupplied the Uxbridge High School students with the materials used for the assembling of the picnic tables." Seconded by Mr. Holden, the motion carried unanimously.

ANNOUNCEMENTS and CORRESPONDENCE:

44 Connor Pass (Map 8, Parcel 4541)– Mr. Keith Temple with B&L Pools came to the Conservation Commission office on June 21st inquiring what type of wetlands permit application may be needed for this property. The home owners request to install an in-ground pool, approximately 56' from the wetlands buffer zone. Following discussion, the Commission advised a Notice of Intent application should be filed. Ms. Hardy will notify B&L Pools.

Pout Pond – On June 17th at 10 am, a site visit was conducted with Mr. Lewcon, Selectmen Desilets, Town Manager Michael Szlosek and Mark Anderson with Heritage Design Group. Pout Pond may have a new lawn by as early as next week. Mr. Lewcon contacted State Representative Jennifer Callahan on June 10th requesting help for Pout Pond and Legg Farm conservation and preservation. State Representative Jennifer Callahan contacted Mr. Lewcon on June 23rd with some vital information and assistance. ~~Work-off program is being pursued with the Uxbridge Police Department.~~ Mr. Lewcon requests to rescind on the offer for a scouting camera and re-approach the idea at a later time.

Vandalism recently occurred at the beach house and bathrooms. The beach house was vandalized with graffiti on the back of the building and an individual shoved a soap dispenser down the toilet causing it to be backed up. The senior citizen member of the work-off program at Uxbridge Senior Center is unable to assist at this time, due to sick family member. Currently, there is a vast amount of weeds in the pond. Aquatic Control Technology has been contacted and will be doing a free inspection in hopes to try to remove the "mill soil" or "bladderwort" weeds. The reasons or issues for needing to get this taken care of are as follows: 1) Safety issue (drowning or possible trouble getting to the victim). 2) Less water circulation, which can cause bacteria growth (mosquitoes thrive in still water). 3) Small fish hide from larger fish (cause issues for fishing). 4) Poor oxygenation. Information kiosks that were assembled by the Uxbridge High School students will not be put up this year.

Legg Farm – The Commission agrees a letter should be sent to the abutters and the new neighbors to the property. Vice-Chairman Holden will write up the letter and submit to the rest of the Commission members for review.

The Lighter Side of Green – Mr. Lewcon sent new articles to the Uxbridge Times. However, is no longer titling the articles "The Lighter Side of Green". Mr. Lewcon believes that these articles are not light information.

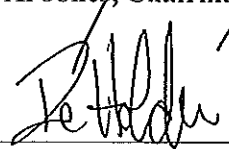
Vice-Chairman Holden informed the Commission that June is "Turtle Month".

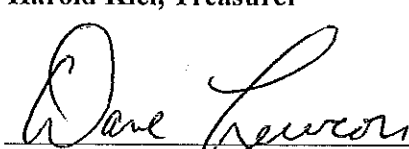
MOTION by Mr. Klei to adjourn the meeting at 9:03 P.M. Seconded by Mr. Holden the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Administrator


Al Jones, Chairman


Harold Klei, Treasurer


Russell Holden, Vice-Chair


Dave Lewcon, member


Lawrence Lench, member

Date